

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gwen Wood on May 19, 2008.

2. The application has been amended as follows:

- a. Claims 13,20 and 24 have been cancelled without prejudice to their further prosecution in a continuation application.
- b. Claims 11,12,14,21-23 and 25-27 have been rejoined.
- c. In claim 8, line 1, replace "consisting essentially of" with – wherein the ratio of humic acid and fulvic acid to colorant is—.
- d. In claim 8, line 2, delete "humic acid and fulvic acid to colorant".
- e. In claim 11, line 2, replace "2" with – 15 —.
- f. In claim 14, line 1, replace "13" with -- 12 —.
- g. In claim 14, line 1, replace "wherein the between" with – wherein between—.
- h. In claim 14, line 2, delete "/or".
- i. In claim 21, line 1, replace "20" with – 11—.
- j. In claim 22, line 1, replace "20" with – 11—.

- k. In claim 23, line 1, replace "20" with – 11—.
- l. In claim 23, line 6, replace "185;" with – 185 and --
- m. In claim 23, lines 8-11, delete "; acid green 1 (Trisodium tris[5, 6-dihydro- 5- (hydroxyimino)- 6- oxonaphthalene- 2- sulphonato(2- )- N5, O6]ferrate(3- ) and acid green 50 (Hydrogen [4- [4- (dimethylamino)- a- (2-hydroxy- 3, 6- disulphonato- 1- naphthyl)benzylidene]cyclohexa- 2, 5- dien- 1- ylidene]dimethylammonium, monosodium salt)".
- n. In claim 23, last line, replace "or mixtures or" with – or mixtures of –.
- o. In claim 25, line 1, replace "20" with – 11— .
- p. In claim 25, line 1, replace "the composition comprises" with –the ratio of humic acid and fulvic acid to colorant is—.
- q. In claim 25, line 2, delete "humic acid and fulvic acid to colorant".
- r. In claim 26, line 1, replace "20" with – 11— .
- s. In claim 26, line 1, delete "composition further comprises a".
- t. In claim 26, line 2, after "fertilizer", add – is present--.
- u. In claim 27, line 1, replace "20" with – 11—.
- v. In claim 27, line 1, delete "composition further comprises a".
- w. In claim 27, line 2, replace "surfactant" with –soluble surfactant is present--.
- x. In claim 28, line 4, replace "such as" with –selected from—.
- y. In claim 28, line 5, replace "such as" with –selected from—.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance: The claims are allowable over the closest prior art of record, Drahos et al. (US 6,569,425) and Besette et al. (US 2004/0192551), because Drahos and Besette require the presence of ingredients such as biofungicides and herbicides, respectively, in the compositions and therefore do not "consist of" the instantly claimed ingredients.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMINA KHAN whose telephone number is (571)272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796

/Amina Khan/  
Examiner, Art Unit 1796  
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